

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 179 of 2006 (M/B)

M/s Arkitekturel Grids,
Through its proprietor Sunil Kumar Day,
E-339, Greater Kailash-I,
New Delhi – 110048. Petitioner

Versus

1. M/s Uttar Pradesh Rajkiya Nirman Nigam Ltd.,
through its General Manager,
North Zone,
First Floor, E-34 Nehru Colony,
Dehradun – 248001.
2. Government of Uttaranchal,
through its Secretary,
Ministry of education,
Education Branch-7, Dehradun.
3. M/s Kothari Associates,
6 Siri Fort Road,
New Delhi. Respondents

Mr. A.B. Dayal, Senior Advocate assisted by Mr. Rakesh Thapiyal and Mr. S.S. Lingwal, Advocates for the petitioner.

JUDGMENT

**Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.**

RAJEEV GUPTA, C.J. (Oral)

1. The petitioner has filed this writ petition for the following reliefs:

“i. Quashing the decision of respondent no. 1 and 2 awarding the work for providing architectural inputs related to new construction of Doon University at Dehradun.

ii. directing respondent no. 1 and 2 to take a fresh decision in the mater after taking into consideration the bid of the petitioner also and giving equal opportunity to both petitioner respondent no. 2 in negotiation for the financial terms on comparable basis, for said work and thereafter award the work in a fair, open, transparent and reasonable manner; and

b. grant such other and further relief to the petitioner as might be deemed fit and proper in the circumstances of the case.”

2. The matter relates to award of work of providing architectural inputs / services relating to the construction of new Doon University at Dehradun.

3. The petitioner was one of the aspirants, who responded to the advertisement (Annexure 1) and submitted their bids. The petitioner's grievance appears to be that first respondent M/s Uttar Pradesh Rajkiya Nirman Nigam Ltd. did not consider petitioner's financial bid as communicated to the petitioner vide their letter dated 05.10.2005 (Annexure P 16).

4. From Annexure P16, it is apparent that the petitioner's financial bid was not considered as it did not contain required financial datas and on the contrary, the petitioner has raised several questions and queries.

5. During the course of hearing, Mr. A.B. Dayal, learned senior counsel for the petitioner submitted that as the necessary datas about the project were not made available to the petitioner, it was not possible for the petitioner to submit financial bid. This would necessarily mean that the petitioner did not submit any financial bid as was required through the communications sent by the first respondent to the petitioner.

6. Be that as it may, the fact remains that the petitioner's financial bid did not fulfil the conditions and did not contain the required financial datas. As such no fault can be found with the first respondent in not considering the petitioner's financial bid.

7. In this view of the matter, we do not find any substance in the writ petition and the same is liable to be dismissed.

8. The writ petition, therefore, fails and is, hereby, dismissed.

(M.M. Ghildiyal, J.)
20.02.2006

(Rajeev Gupta, C.J.)
20.02.2006